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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,670	11/27/2001	Song Han	5231-047	8023

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EXAMINER	
PATEL, DHAIRYA A	

ART UNIT	PAPER NUMBER
2451	

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09/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/993,670	HAN ET AL.	
	Examiner	Art Unit	
	DHAIRYA A. PATEL	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,10,11,13-17,20,21,23-27 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,10,11,13-17,20,21,23-27 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/21/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed on 6/21/2010.

2. Applicant amended claims 1,3,4,10,11,13,14,20,21,23,24,30. Claims 1,3-7,10,11,13-17,20,21,23-27,30 are now subject to examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3, 13, 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, it states “the method of claim 1, wherein the step of determining ***a predicted the time*** comprises… and determining ***a predicted the time*** based…” fails to particularly point out and claim the subject matter i.e. "a predicted the time". The phrase "a predicted the time..." does not make sense i.e. being indefinite not only literally but it is also grammatically incorrect. Therefore appropriate correction is required.

As per claim 13, 23 recites similar limitations, therefore rejected under same basis as claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3-7,10,11,13-17,20,21,23-27,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. U.S. Patent # 6,263,209 (hereinafter Reed) in view of Burfeind et al. U.S. Patent Publication # 2002/0152266 (hereinafter Burfeind) further in view of Nakagawa et al. U.S. Patent # 7,266,376 (hereinafter Nakagawa)

As per claim 1, Reed teaches a method for providing location-based event service comprising the steps of:

a) obtaining positioning information, either from a cache operable to store information indicating locations of a plurality of mobile users (Fig. 1 element 122) or querying at least one mobile positioning server (column 5 lines 17-24, lines 28-50), indicating a current location of the plurality of mobile users; (column 5 lines 17-28, lines 54-63)

NOTE: The reference teaches getting the information about plurality of mobile users who have portable subscriber units with the mobile users about their current location and fixed portion including a user selected (column 5 lines 54-63) from a mass medium (cache operable) which stores information regarding locations and recording times for the portable subscriber units and the users (column 5 lines 17-24). The reference also teaches that mass medium can be located on the server which can be used to obtain information regarding locations and the times of the mobile users (querying one mobile server). The reference also teaches each portable subscriber unit is carried by the user and in Fig. 1 element 122, shows multiple portable subscriber unit which means that there are

plurality of users since portable subscribe unit are carried by the users so if there are multiple portable subscribers units and there has to be equal amount of users, and locations of plurality of users and portable subscriber units are stored in the mass medium (obtaining positioning information) (column 5 lines 53-63).

- determining if at least one condition defined for a mobile user of the plurality of mobile users is satisfied based on the indicated current location of the mobile user (column 5 lines 17-28, lines 54-67);

NOTE: The reference teaches comparing the current location just taken with the attribute stored in the database (determining at least one condition) to determine whether an alert is necessary. The attribute is collected from the plurality of users and their portable subscriber units (column 5 lines 17-28). Then the comparison is made from the current location of the user selected and the attribute collected from the plurality of users, which is stored in the database. Therefore when the comparing the current location with the attribute stored in the database is satisfied is same as determining if at least one condition (comparing) requiring the plurality of mobile users

Reed does not explicitly state determining a predicted time that is a prediction of the time that the mobile user will satisfy the at least one condition, occurs before the time at least one condition actually occurs, and used to determine when to obtain new positioning information for the mobile user, when the at least one condition is not satisfied wherein predicted time is based on at least one of: a distance from a current location of the selected mobile user to a region relevant to the condition, and a velocity of the selected mobile user.

Burfeind teaches determining a predicted time that is a prediction of the time that the mobile user will satisfy the at least one condition (Paragraph 108)(claim 5), occurs before the time at least one condition actually occurs, (Paragraph 108) and used to determine when to obtain new positioning information for the mobile user (Paragraph 109)(Claim 5). when the at least one condition is not satisfied wherein predicted time is based on at least one of: a distance from a current location of the selected mobile user to a region relevant to the condition, and a velocity of the selected mobile user (Paragraph 108, 109) It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Burfeind's teaching in Reed's teaching to come up with determining predicted time that is prediction of the time the mobile user will satisfy the at least one condition before the condition actually occurs. The motivation for doing so would be so the user can take precautionary steps to avoid/miss the event if the event is weather related (Paragraph 108)

Nakagawa also teaches when the at least one condition is not satisfied (column 9 lines 40-49), predicted time is based on at least one of: a distance from a current location of the selected mobile user to a region relevant to the condition, and a velocity of the selected mobile user; and (column 9 lines 29-40, lines 56-67)(column 10 lines 1-11) **NOTE:** The reference teaches an example where the event is "go on board a shinkansen bullet train at 19:20" and the location where the next plan is executed is "the tokyo station". The current position and the traveling time are shown for the mobile phone to arrive at the tokyo station before 19:20 and the traveling route and traveling time are retrieved

based on the time mobile phone departs from the current position at 18:40 and walks for 10 minutes to arrive at tokyo station at 19:03.

Nakagawa also teaches a) obtaining positioning information, either from a cache operable to store information indicating locations of the plurality of mobile users (Fig. 1 element 300) or querying at least one mobile positioning server (column 7 lines 30-40), indicating a current location of a plurality of mobile users; (column 7 lines 30-40) **NOTE:** The reference teaches mobile phone transmits the telephone # of itself to server (Fig. 1 element 100) while transmitting coordinate data to the server as positional information of the mobile phone itself (indicating current location of the plurality of mobile user, including a selected mobile user)

.- determining if at least one condition defined for a mobile user of the plurality of mobile users is satisfied based on the indicated current location of the mobile user (column 7 lines 45-67)(column 8 lines 1-9); performing at least one event when the at least one condition is satisfied (column 9 lines 11-23)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed and Burfeind's invention with to calculating event time and waiting till event time when at least one condition is not satisfied wherein the calculation is based on the distance from the indicated current location of the user or velocity of the user. The motivation for doing so would have been so that to find out from the current location of the users, which individual user of the plurality of mobile users would

be the last user to respond and therefore a message/alert can be sent based on the calculated distance.

As per claim 3, Reed, Burfeind and Nakagawa teaches the method of claim 1 but Burfeind further teaches, wherein the step of: determining a predicted time comprises the steps of:

-determining a predicted the time based on the estimated time at which the mobile user contributes least to traffic overhead (Paragraph 109)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Burfeind's invention in Reed et al and Nakagawa's invention to determine predicted time based on estimated time which the user contributes least to traffic overhead. The motivation for doing so would have been to determine the wait and to find out from the current location of the user how much estimated time it is going to take for the selected user to respond and reducing over-the-air traffic.

As per claim 4, Reed, Burfeind and Nakagawa teaches the method of claim 3, but Reed further teaches wherein the obtaining step comprises the steps of:

-searching the cache operable to store position information indicating locations of a plurality of mobile users; (column 5 lines 17-24)(column 5 lines 54-67) (column 6 lines 1-4) (column 6 lines 21-34)

The reference teaches getting the information about plurality of mobile users who have portable subscriber units with the mobile phone about their current location and fixed portion including a user selected (column 5 lines 54-63)

from a mass medium (cache operable) which stores information regarding locations and recording times for the portable subscriber units and the users (column 5 lines 17-24). The reference also teaches each portable subscriber unit is carried by the user and in Fig. 1 element 122, shows multiple portable subscriber unit which means that there are plurality of users since portable subscribe unit are carried by the users so if there are multiple portable subscribers units and there has to be equal amount of users, and locations of plurality of users and portable subscriber units are stored in the mass medium (column 5 lines 53-63).

-using the position information indicating the location of the mobile user as the position information indicating the current location of the mobile user, when the position information indicating the location of the mobile user is found in the cache; (column 5 lines 54-67) (column 6 lines 1-4,lines 21-34, lines 45-52) and

The reference teaches comparing the current location information of the user with the attribute (stored in cache) to determine if the alert is necessary.

-querying at least one mobile positioning server to obtain the position information indicating the current location of the mobile user, when the position information indicating the location of the mobile user is not found in the cache. (column 6 lines 1-4,lines 21-52)

As per claim 5, Reed and Nakagawa teaches the method of claim 4, but Reed further teaches wherein the at least one event comprises transmitting a message (column 5 lines 54-67) (column 6 lines 1-20).

The reference teaches the alert message is transmitted to the mobile user.

As per claim 6, Reed and Nakagawa teaches the method of claim 5, but Reed further teaches wherein the message is transmitted to a mobile user (Column 5 lines 54-67) (Column 6 lines 1-20). The reference teaches the alert message is transmitted to the mobile user.

As per claim 7, Reed and Nakagawa teaches the method of claim 5, but Reed further teaches wherein the message is transmitted to a non-mobile user (Column 6 lines 31-62).

The reference teaches updates the second customer (non-mobile user) about the delay of the sales person (Mobile user) who was scheduled to arrive at a certain time.

As per claim 10, Reed and Nakagawa teaches the method of claim 4, but Nakagawa further teaches wherein the contribution to the traffic overhead on the mobile network relates to a location of the plurality of mobile users and to a time (column 9 lines 29-35, lines 41-44). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Nakagawa's invention in Reed et al's invention to have contribution to network overhead which relates to location of plurality of mobile users and to a time. The motivation for doing so would have been so that to find out from the current location of the users, which individual user of the plurality of mobile users would be the last user to respond and therefore a message/alert can be sent based on the calculated distance.

As per claims 11, 13-17, 20, they teach same limitations as claims 1,3-7,10 respectively, therefore rejected under same basis.

As per claims 21,23-27,30, they teach same limitations as claims 1,3-7,10 respectively, therefore rejected under same basis.

Response to Arguments

Applicant's arguments with respect to claim1,3-7,10,11,13-17,20,21,23-27,30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus in a wireless communication system for creating a learning function" by Reed et al. U.S. Patent # 6,263,209.

B). "Method and Apparatus in a two-way wireless communication system for location-based message transmission" by Souissi et al. U.S. Patent # 6,091,959.

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451